

Remarks

Summary of Status of Claims

Claims 1-5 and 8-39 are pending in this application. Claims 1 and 8-39 are cancelled. Claims 2-5 are amended. Claims 40-41 are added. Support for the amendments and new claims is found in the specification as originally filed. Accordingly, claims 2-5 and 40-41 are presented for examination.

Rejections under 35 USC § 102

Claims 1-5 and 8-39 are rejected under 35 U.S.C. 102(a), (b), and (e) as being anticipated by each of Boschelli - 102(a); El-Sayed - 102(a); Althuis - 102(b); Bryan - 102(e); and Nakanishi, etc. - 102(b). Applicants have cancelled claims 1 and 8-39 and believe that such cancellation overcomes the rejections under 35 U.S.C. 102. That is, Applicants assert that none of the compounds claimed in claims 2 and 3 are disclosed in the cited references. Accordingly, Applicants respectfully request withdrawal of the subject rejections.

Rejection under 35 USC § 112 – First Paragraph

The Office Action asserts that claims 1-5 are rejected under 35 U.S.C. 112, 1st paragraph as not being enabled. Specifically the Office Action asserts that the terms: “solvates” and “physiologically functional derivatives” are not enabled. Claim 1 is cancelled herein. Applicants have amended claims 2-5 to delete the terms “solvates” and “physiologically functional derivatives.” Applicants, therefore, believe that the rejection has been overcome by amendment and respectfully request its withdrawal.

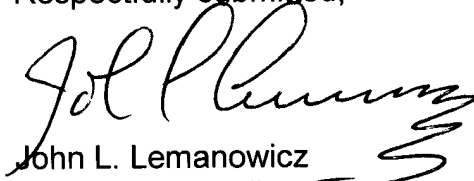
Conclusion

The points and concerns of the Examiner have been addressed in full. Applicants respectfully submit that the instant application is in condition for allowance, which is respectfully requested. Should any issues remain

unresolved in this application which would bar issuance, the Examiner is invited to contact the undersigned Attorney at (919) 483-6334 to discuss such issues.

Applicants believe that no fees are due in connection with the filing of this paper other than those specifically authorized herewith. However, should any other fees be deemed necessary to affect the timely filing of this paper the Commissioner is hereby authorized to charge such fees to Deposit Account No. 07-1392.

Respectfully submitted,


John L. Lemanowicz
Attorney for Applicants
Registration No. 37,380

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Glaxo Smith Kline
Five Moore Drive, PO Box 13398
Research Triangle Park, North Carolina 27709
(919) 483-8247